

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:)	Bankr. No. 19-40165
)	Chapter 13
COREY JAMES LUKE)	
SSN/ITIN xxx-xx-2293)	
)	
and)	Plan Dated June 11, 2019
)	
ELIZABETH MARIE RICK LUKE)	
aka Betsy Marie Rick Luke)	
fka Elizabeth Marie Rick)	
fka Betsy Marie Rick)	
SSN/ITIN xxx-xx-5762)	
)	
Debtors.)	

Part 1. Notice of Certain Items

The following items may be of particular importance to some creditors. Creditors and other parties in interest are given notice of them pursuant to Federal Rule of Bankruptcy Procedure 3015.1.

1.1	Nonstandard provisions.	<input type="checkbox"/> Included in Part 8	<input checked="" type="checkbox"/> Not Included
1.2	A limit on the amount of a secured claim based on a valuation of the collateral for the claim, which may result in a partial payment or no payment at all to the secured creditor.	<input type="checkbox"/> Included in Part 5.3	<input checked="" type="checkbox"/> Not Included
1.3	Avoidance of a judicial lien or a nonpossessory, nonpurchase money security interest on property claimed exempt.	<input type="checkbox"/> Included in Part ____	<input checked="" type="checkbox"/> Not Included

Part 2. Plan Term and Debtors' Payments to Trustee

2.1 Plan term. Debtors will make the first plan payment on or before June 15, 2019 and the last plan payment on or before May 15, 2024.

2.2 Debtors' payments to the trustee. Debtors will pay \$480 per month to the chapter 13 trustee for 60 months, for a total of \$28,800.

During the plan term, Debtors will give the trustee a copy of each federal income tax return at the same time the return is filed. Debtors will also turn over to the trustee any federal income tax refunds Debtors receive, after any statutory set-off by the Internal Revenue Service, for tax years 2019, 2020, 2021, 2022, and 2023.

Debtors also commit to the plan any disposable income, as defined by 11 U.S.C. § 1325(b)(2), that Debtors receive during the plan term.

Part 3. Treatment of Administrative Expenses and Other Priority Claims

3.1 Trustee fees. The trustee's fees will be paid from Debtors' plan payments, including any tax refunds or disposable income committed to the plan, at the rate provided by 11 U.S.C. § 326(b) and 28 U.S.C. § 586(e).

3.2 Debtors' attorney fees.

☐ *No such claim owed.*

After Debtors' attorney files and gives notice of a fee application, the Court will enter an order awarding the attorney fees consistent with 11 U.S.C. § 330. The attorney fees awarded will be paid as follows:

Estimated total fees paid through plan	Estimated payments
\$3,903.50	\$437 per month for months 1-8 and \$407.50 for month 9, beginning June 15, 2019. Plus tax refunds until paid in full.

If the Court awards fees that total less than the estimate above, unsecured creditors may receive a distribution that is more than the estimate set forth in Part 6. If the Court awards fees that total more than the estimate above, Debtors may file a motion to modify the confirmed plan to provide for those additional fees. If the Court approves the modification, unsecured creditors may receive a distribution that is less than the estimate set forth in Part 6. The actual amount of the monthly installment will be calculated by the trustee based on the Court's fee order.

3.3 Domestic support obligations to be paid in full.

☒ *No such claim owed.*

3.4 Domestic support obligations assigned to or owed to a governmental unit and that may be paid *less than* the full amount.

☒ *No such claim owed.*

3.5 Other priority claims.

☒ *No such claim owed.*

Part 4. Executory Contracts and Unexpired Leases

4.1 Assumptions.

☒ *None to assume.*

4.2 Rejections.

☒ *None to reject.*

Part 5. Treatment of Secured Claims

5.1 Claims secured only by Debtors' principal residence.

☐ *No such claim owed.*

Description: [Homestead commonly known as 402 Mary Lane, Hartford, Minnehaha County, SD 57033 and legally known as Lot 22 in Block 1 of Sunnyside Estates, an Addition to the City of Hartford, Minnehaha County, SD 57033].

Any arrearage on the claim(s) listed below will be paid in full during the plan term through disbursements by the trustee, with interest, if any, at the rate stated. If there is no arrearage, "none" is inserted. Debtors will make the current installment payments to the creditor(s) during the plan term and thereafter, as may be necessary. Unless otherwise stated, the balance owed and Debtors' current installment payments, as to the amount, the rate of interest, and the length of the repayment term, will be consistent with the written agreement between Debtors and the creditor and may occasionally change pursuant to the agreement's terms.

Unless otherwise ordered by the Court, the amount of the arrearage and the balance owed stated below are controlling and, if the value of the creditor's collateral exceeds the amount of its allowed claim, the balance owed includes interest and other allowances provided by 11 U.S.C. § 506(b), unless the creditor has otherwise agreed.

A creditor listed below will retain its lien or other encumbrance on the collateral stated until the creditor's claim is paid in full pursuant to the written agreement between Debtors and the creditor, at which time the lien or other encumbrance will terminate and shall be promptly released by the creditor.

If the Court grants a creditor listed below relief from the automatic stay regarding the Debtors' principal residence, then, unless otherwise ordered by the Court, the trustee's payments to that creditor under this part will cease.

Name of creditor	Arrearage, if any, and payment terms ["none" inserted if no arrearage]	Balance, excluding any arrearage, and current installment terms
Stearns Lending, LLC	Arrearage through May, 2019, \$20,089.17 together with interest at 3.875% for a total of \$22,140. Month 9 \$29.50 Months 10-59 \$437 Month 60 \$260.50 Total \$22,140	\$154,704.13 at \$1,230.85 per month, commencing June, 2019 until contract is paid in full, which includes interest at agreement rate.
U.S. Dept. of Housing & Urban Development - 2 nd Mortgage	NONE	\$23,457. This creditor has a second mortgage secured by debtors' homestead. No payments are currently required under the terms of this loan and debtors shall abide by the terms of the loan agreement and mortgage outside the plan.

5.2 Claims fully secured by real or personal property, excluding claims in Parts 5.1 and 5.4.

☐ *No such claim owed.*

Any arrearage on the claim(s) listed below will be paid in full during the plan term through disbursements by the trustee, with interest, if any, at the rate stated. If there is no arrearage, "none" is inserted. Debtors will make the current installment payments to the creditor(s) during the plan term and thereafter, as may be necessary. Unless otherwise stated, the balance owed and Debtors' current installment payments, as to the amount, the rate of interest, and the length of the repayment term, will be consistent with the written agreement between Debtors and the creditor and may occasionally change pursuant to the agreement's terms.

Unless otherwise ordered by the Court, the amount of the arrearage and the balance owed stated below are controlling and, if the value of the creditor's collateral exceeds the amount of its allowed claim, the balance owed includes interest and other allowances provided by 11 U.S.C. § 506(b), unless the creditor has otherwise agreed.

A creditor listed below will retain its lien or other encumbrance on the collateral stated until the creditor's claim is paid in full pursuant to the written agreement between Debtors and the creditor, at which time the lien or other encumbrance will terminate and shall be promptly released by the creditor.

If the Court grants a creditor listed below relief from the automatic stay regarding the collateral described below, then, unless otherwise ordered by the Court, the trustee's payments to that creditor under this part will cease.

Name of creditor and description of collateral	Arrearage, if any, and payment terms ["none" inserted if no arrearage]	Balance, excluding any arrearage, and current installment terms
Auto Loan Acceptance - 2006 Jeep Grand Cherokee	NONE	\$6,935 at \$430 per month until contract is paid in full, which includes interest at agreement rate.
Regional Acceptance Corp. - 2014 Chevy Silverado	NONE	\$25,959 at \$750 per month until contract is paid in full, which includes interest at agreement rate.

5.3 Claims partially secured by real or personal property as provided by 11 U.S.C. § 506(a).

☒ *No such claim owed.*

5.4 Secured claims excluded from 11 U.S.C. § 506.

☒ *No such claim owed.*

5.5 Surrender of collateral and relief from stay; continuation of co-debtor stay.

☒ *No collateral to be surrendered.*

Part 6. Treatment of Unsecured, Nonpriority Claims

☐ *No such claim owed.*

After making the disbursements described in Parts 3, 4.1, and 5, the trustee will distribute the balance of the plan payments and other funds received from Debtors, including any tax refunds and disposable income committed to the plan, to creditors

holding unsecured, nonpriority claims who timely file a proof of claim on or before the deadline established by Federal Rule of Bankruptcy Procedure 3002(c). If a creditor holding an unsecured, nonpriority claim receives appropriate notice of the case but fails to timely file a proof of claim, that creditor's claim will be discharged to the extent set forth in 11 U.S.C. § 1328(a) when Debtors complete all plan payments. If all unsecured, nonpriority creditors known to Debtors timely file proofs of claim, each creditor holding an unsecured, nonpriority claim will receive approximately .05% of its allowed claim.

Attached to this plan as Exhibit B and incorporated by reference is Debtors' liquidation analysis showing the total payments under this section to creditors holding unsecured, nonpriority claims will be at least as much as these creditors would receive if Debtors' nonexempt assets were liquidated in a case under chapter 7 of the bankruptcy code.

Part 7. Other Provisions

7.1 Property of the estate. Unless otherwise ordered by the Court, property of the bankruptcy estate will vest with Debtors upon confirmation of the plan.

7.2 Changes in Debtors' income and expenses.

☒ *No post-petition changes in income or expenses.*

7.3 Taxes. During the plan term, Debtors will timely file all tax returns required by any governmental entity and will provide a copy of each return to the trustee at the same time the return is filed. During the plan term, Debtors will also pay when due any tax imposed by any governmental entity.

Part 8. Nonstandard Provisions

☒ *None.*

A nonstandard provision is a provision not otherwise included in Appendix 3A of the local bankruptcy rules for the District of South Dakota. Pursuant to Federal Rules of Bankruptcy Procedure 3015(c) and 3015.1(e)(1), nonstandard provisions are set forth in this part only. Any nonstandard provision set forth elsewhere in this plan is ineffective. This plan includes the following nonstandard provisions:

NONE

Part 9. Signatures of Debtors and Attorney for Debtors

By signing and filing this plan, Debtors, if not represented by an attorney, or the attorney for Debtors certify the plan does not contain any nonstandard provisions other than any set forth in Part 8.

Dated: June 11, 2019

X /s/ Corey James Luke

Corey James Luke

Dated: June 11, 2019

X /s/ Elizabeth Marie Rick Luke

Elizabeth Marie Rick Luke

Dated: June 11, 2019

X /s/ Thomas A. Blake

Thomas A. Blake, attorney for Debtor

Thomas A. Blake Law Office

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Exhibit A. Summary of Debtors' Payments to Trustee and Trustee's Disbursements

A.1 Debtors' payments to trustee under plan.

\$480 per month for 60 months, for a total of	\$28,800 (gross)
Less trustee's fee (approx. 9.091% of gross)	\$2,618.21
Available for distribution	\$26,181.79

Debtors have also committed tax refunds for tax years 2019, 2020, 2021, 2022, and 2023 and disposable income from June 15, 2019 through May 15, 2024 to plan payments, which may increase the funds available for distribution.

A.2 Trustee's total disbursements under plan.

Administrative expenses	Thomas A. Blake Attorney for Debtors	\$3,903.50
Other priority claims (listed by creditor)	NONE	
Leases and executory contract arrearage payments (listed by lessor or other party to contract)	NONE	
Secured claims arrearage payments (listed by creditor)	Stearns Lending, LLC	\$22,140.00
Unsecured, nonpriority claims (as scheduled, unless proof of claim deadline has expired)		\$138.29
Total disbursements by trustee under plan		\$26,181.79

Exhibit B. Debtors' Liquidation Analysis

	Market Value	Total of Valid Encumbrances	Claimed Exemptions	Equity
Real Property Interests (by parcel, from Schedule A/B, Part 1)				
Homestead	\$175,000	\$179,160.99	\$ - 0 -	\$ - 0 -
Vehicles, Trailers, Etc. (by item, from Schedule A/B, Part 2)				
2006 Jeep Cherokee	\$5,000	\$6,935	\$ - 0 -	\$ - 0 -
2014 Chevy Silverado	\$20,000	\$25,959	\$ - 0 -	\$ - 0 -
2008 Homemade Trailer	\$600	\$ - 0 -	\$600	\$ - 0 -
Personal and Household Items (not itemized, from Schedule A/B, Part 3)				
	\$6,835	\$ - 0 -	\$6,835	\$ - 0 -
Financial Assets (not itemized, from Schedule A/B, Part 4)				
	\$7,632	\$ - 0 -	\$7,632	\$ - 0 -
Business-related Property (excluding farm/ranch property; not itemized, from Schedule A/B, Part 5)				
NONE				
Farm/Ranch-related Property (not itemized, from Schedule A/B, Part 6)				
NONE				
Other Property Interests (by item, from Schedule A/B, Part 7)				
NONE				
Total equity:				\$ - 0 -
Less ____% liquidation costs			N/A	
Less chapter 7 trustee fees per 11 U.S.C. § 326(a)			N/A	
TOTAL AVAILABLE FOR DISTRIBUTION				\$ - 0 -